



California Environmental  
Protection Agency

September 26, 2005

The Honorable Senator Dianne Feinstein  
United States Senate  
Washington D.C. 20510

Dear Senator Feinstein:

We have been advised of draft settlement language you are considering to propose be included in legislation to establish water flow releases intended to restore salmonid fish habitat on the San Joaquin River. Your efforts to craft a successful and broadly-supported resolution to this long-standing issue are appreciated by all who share your concern for this hard-working but diminished river.

While these efforts on behalf of California resources and California farmers are welcome and perhaps necessary to restore the San Joaquin, specific elements of your proposed approach are not acceptable to the state. The draft legislative language we have reviewed would preempt the application of state water law to the San Joaquin River. It would override the long-standing role of the State of California in making resource management decisions. This is of grave concern to California.

Although intended to lead to constructive resolution of a long impasse on the river, this draft language would have unintended consequences. The language would remove the application of other protective laws such as the federal and state endangered species acts, the federal Clean Water Act, water rights laws, and the state Porter-Cologne Act. It would also set a troubling precedent for watershed-by-watershed Congressional action to override state resource stewardship and regulatory authorities.

Thanks to your efforts, we may be closer than ever before to reaching agreement on restoration and water management that all parties can support. By diligently working together, we can finally restore the San Joaquin River and preserve the economic vitality of the region.

Sincerely,

A handwritten signature in cursive script that reads "Mike Chrisman".

Mike Chrisman  
Secretary  
California Resources Agency

A handwritten signature in cursive script that reads "Allan C. Lloyd".

Allan Lloyd, Ph.D.  
Secretary  
California Environmental Protection Agency